

Thornton does not disclose any of the following features of claim 1:

“at least one base station connected to the gateway unit via a respectively corresponding one of said at least one data line;

a multiplicity of wireless subscriber units communicating wirelessly with the base station, each wireless subscriber unit comprising at least one interface to a plurality of hosts including at least one telephone host and at least one other non-telephone host, each subscriber unit comprising:

(a) an analog converter operative to translate incoming information in IP packet format into analog voice representation and to feed said voice analog voice representation to the telephone host, and to receive incoming analog voice information from the telephone host, to translate said incoming analog voice information into IP packet formatted information and to feed said IP packet formatted information to the base station; and

(b) a packet switcher operative to perform packet switching on IP packets arriving from the base station connected to the subscriber unit, including routing IP packets for hosts other than the telephone host to those hosts and routing IP packets for the telephone host to the analog converter;

wherein said base station is operative to perform packet switching on incoming IP packets based on an IP destination address included in each said incoming IP packet; and”

Indeed, the Examiner concedes that Thornton fails to disclose:

- (i) a base station connected to the gateway unit;
- (ii) a multiplicity of wireless subscriber units communicating wirelessly with the base station; and
- (iii) the fact that the wireless subscriber units comprise both a packet switcher and an analog converter.

The only features of claim 1 that the Examiner contends are in fact disclosed by Thornton are a data network/PSTN gateway unit, at least one data line and the fact that the gateway unit is operative to switch incoming data packets onto the network, to translate incoming voice packets

from IP packet format into analog voice representation and to switch the analog voice representation onto the PSTN.

Thus, it is clear from the Examiner's own analysis that the Thornton network is fundamentally different in both structure and operation from the wireless local loop system of claim 1. Clearly extensive modification to the system of Thornton would have to be performed if one were to arrive at the invention of claim 1. Furthermore, the only ordinarily skilled person hypothetically performing such changes would have to be provided with motivation to conceive and perform such extensive modifications.

On page 3 of the Office Action, the Examiner contends that the private branch exchanges (PBXs) of Thornton are counterparts of the wireless subscriber units of claim 1. The Examiner argues that although the PBXs of Thornton admittedly do not communicate wirelessly, they could somehow still be counterparts of the claimed wireless subscriber units. The Examiner then relies on a combination of Lu and Thornton to arrive at PBXs that communicate wirelessly. However, even if it were conceded that the PBXs of Thornton could be modified to communicate wirelessly, the PBXs of Thornton thus modified would still not be counterparts of the wireless subscriber units comprise "at least one interface to a plurality of hosts including at least one telephone host and at least one other non-telephone host".

Neither Lu nor Thornton disclose a wireless subscriber unit having an interface to a non-telephone host. Indeed it is clear from Figure 1 of Lu together with Lu column 1, lines 63-67, that the PBX of Lu communicates with telephone hosts comprising a pair of cordless handsets. However, there is no disclosure or even suggestion in Lu that the PBX's disclosed therein communicate with a non-telephone host as required by claim 1. Furthermore Lu neither

discloses nor suggests that the wireless PBX comprises a packet switcher operative to perform packet switching on IP packets arriving from the base station including routing IP packets for hosts other than a telephone host as required by claim 1.

The Examiner contends on the first paragraph of page 4 of the Office Action that although Thornton admittedly fails to disclose that each wireless subscriber unit has both an analog converter and a packet switcher unit, Thornton somehow (where?) provides motivation to incorporate some sort of analog converter and packet switcher into the local network. The Examiner asserts that the ordinarily skilled person would (for what reason?) adapt the PBXs of Thornton to incorporate an analog converter and a packet switcher.

However, Thornton in fact teaches away from incorporating an analog converter and a packet switcher in the PBX. This is because Thornton teaches that the gateway enables telephony traffic to flow over the data network and specifies that “each gateway provides either of two paths for telephone traffic to flow to follow: either conventionally through a PSTN, e.g., PSTN 20, or over a data network, such as network 30” (see Thornton column 10, lines 55-58).

Thus it is clear that the only ordinarily skilled person would understand from Thornton that the gateway provides the functionality to convert between the PSTN and the data network. Thus from Thornton, the ordinarily skilled person would consider that packet switching capability and analog conversion capability should be incorporated in the gateway. Thus, contrary to the Examiner’s assertion, Thornton provides no motivation whatsoever to incorporate an analog converter and a packet switcher in each wireless subscriber unit.

The Examiner also argues that Menard discloses a telephone to packet adapter comprising an analog converter and a packet switcher and that the ordinarily skilled person could

modify the network system disclosed by Thornton according to the teaching of Lu to (a) convert the PBX to a wireless PBX and further (b) adapt the communication network to incorporate the telephone to packet adapter disclosed by Menard.

However, as discussed above, the skilled person would have no motivation to combine the system of Thornton with the teaching of Lu (in whole or in part) as contended by the Examiner. Even if the ordinarily skilled person was to further adapt the network system of Thornton to incorporate the teaching of Menard, he would still require motivation further than that offered by the Examiner, i.e., the motivation "to efficiently communicate over a data network such as the Internet or the PSTN in a user friendly and efficient manner". This alleged "motivation is merely high level generalization proffered by the Examiner. It is clearly not objective factual evidence gleaned from any of the cited references relied upon.

Indeed, the ordinarily skilled person would realize that the gateway of Thornton already comprises the capability to communicate telephone data either across the PSTN or across the data (packet) network, so the skilled person would understand that packet switching and analog conversion are already performed by the gateway of Thornton. It is clear that the combination of Thornton, Lu and Menard suggested by the Examiner to arrive at the system according to claim 1 is entirely based on selective hindsight and could not be arrived at without inventive insight.

Furthermore, even if the skilled person were for some inexplicable reason to combine the teachings of Thornton, Lu and Menard he would still not arrive at the present invention because none of these documents disclose a base station operative to perform packet switching on incoming IP packets based on IP destination addresses included in the incoming IP packet as required by claim 1 . Nor do they disclose the claimed feature whereby both a packet switcher

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and an analog converter form part of a wireless subscriber unit. Menard discloses merely that the telephone to packet adapter interconnects the Internet server and a telephone line and it is clear from Figure 2 of Menard that the telephone to packet adapter is not part of a wireless subscriber unit.

In view of such fundamental deficiencies of the cited references with respect to independent claims 1 and 5, it is not believed necessary at this time to detail the additional deficiencies of these references with respect to dependent claims 2-4.

Accordingly, this entire application is now believed to be in allowable condition and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

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